

109TH CONGRESS
2D SESSION

S. 2125

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2006

Referred to the Committee on International Relations

AN ACT

To promote relief, security, and democracy in the Democratic Republic of the Congo.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Democratic Republic
5 of the Congo Relief, Security, and Democracy Promotion
6 Act of 2006”.

1 **TITLE I—BILATERAL ACTION ON**
2 **ADDRESSING URGENT NEEDS**
3 **IN THE DEMOCRATIC REPUB-**
4 **LIC OF THE CONGO**

5 **SEC. 101. FINDINGS.**

6 Congress makes the following findings:

7 (1) The National Security Strategy of the
8 United States, dated September 17, 2002, concludes
9 that “[i]n Africa, promise and opportunity sit side-
10 by-side with disease, war, and desperate poverty.
11 This threatens both a core value of the United
12 States preserving human dignity and our strategic
13 priority combating global terror. American interests
14 and American principles, therefore, lead in the same
15 direction: we will work with others for an African
16 continent that lives in liberty, peace, and growing
17 prosperity.”

18 (2) On February 16, 2005, the Director of the
19 Central Intelligence Agency testified, “In Africa,
20 chronic instability will continue to hamper
21 counterterrorism efforts and pose heavy humani-
22 tarian and peacekeeping burdens.”

23 (3) According to the United States Agency for
24 International Development, “Given its size, popu-
25 lation, and resources, the Congo is an important

1 player in Africa and of long-term interest to the
2 United States.”

3 (4) The Democratic Republic of Congo is
4 2,345,410 square miles (approximately $\frac{1}{4}$ the size of
5 the United States), lies at the heart of Africa, and
6 touches every major region of sub-Saharan Africa.
7 Therefore, a secure, peaceful, and prosperous Demo-
8 cratic Republic of the Congo would have a profound
9 impact on progress throughout Africa.

10 (5) A mortality study completed in December
11 2004 by the International Rescue Committee found
12 that 31,000 people were dying monthly and
13 3,800,000 people had died in the previous 6 years
14 because of the conflict in the Democratic Republic of
15 the Congo and resulting disintegration of the social
16 service infrastructure and that “improving and
17 maintaining security and increasing simple, proven
18 and cost-effective interventions such as basic medical
19 care, immunizations and clean water would save
20 hundreds of thousands of lives in the Congo. There’s
21 no shortage of evidence. It’s sustained compassion
22 and political will that’s lacking.”

23 (6) The International Crisis Group concluded,
24 “The conflict in the Democratic Republic of the
25 Congo remains one of the deadliest conflicts since

1 World War II and has resulted in the loss of nearly
2 4 million lives since 1998.... The international com-
3 munity, and the United Nations Security Council in
4 particular, must take strong and urgent action to
5 support the transition, establish a national army and
6 secure lasting peace in the Democratic Republic of
7 the Congo, if it is to live up to its responsibility to
8 protect those in need.”

9 (7) According to the Department of State, “re-
10 turning one of Africa’s largest countries [the Demo-
11 cratic Republic of the Congo] to full peace and sta-
12 bility will require significant United States invest-
13 ments in support of national elections, the reintegra-
14 tion of former combatants, the return and reintegra-
15 tion of refugees and [internally displaced persons],
16 establishment of central government control over
17 vast territories, and promotion of national reconcili-
18 ation and good governance”.

19 (8) According to the 2005 Department of State
20 report on human rights practices in the Democratic
21 Republic of the Congo, “In all areas of the country,
22 the human rights record remained poor, and numer-
23 ous serious abuses were committed; however, there
24 were some improvements during the year.”.

1 **SEC. 102. STATEMENT OF POLICY.**

2 It is the policy of the United States—

3 (1) to promote, reinvigorate, and support the
4 political process in the Democratic Republic of the
5 Congo in order to press all parties in the Transi-
6 tional National Government to move forward with
7 approval of an electoral law and put in place mecha-
8 nisms, including national and international election
9 observers, fair and transparent voter registration
10 procedures, and a significant civic awareness and
11 public education campaign, to ensure that the elec-
12 tions scheduled to be held on July 30, 2006, and fu-
13 ture elections in the Democratic Republic of the
14 Congo are carried out in a fair and democratic man-
15 ner;

16 (2) to ensure that, once a stable national gov-
17 ernment is established in the Democratic Republic of
18 the Congo, it is committed to multiparty democracy,
19 open and transparent governance, respect for human
20 rights and religious freedom, ending the violence
21 throughout the country, promoting peace and sta-
22 bility with its neighbors, rehabilitating the national
23 judicial system and enhancing the rule of law, and
24 combating corruption;

25 (3) to assist the Government of the Democratic
26 Republic of the Congo in meeting the basic needs of

1 its citizens, including security, safety, and access to
2 health care, education, food, shelter, and clean
3 drinking water;

4 (4) to engage in security sector reform by help-
5 ing the Government of the Democratic Republic of
6 the Congo establish through the provision of nec-
7 essary equipment and training a viable and profes-
8 sional national army and police force that respects
9 human rights and the rule of law, is under effective
10 civilian control, and possesses a viable presence
11 throughout the entire country, including by contrib-
12 uting to the provision of necessary equipment and
13 training;

14 (5) to expedite planning and implementation of
15 programs associated with the disarmament, demobi-
16 lization, repatriation, reintegration, and rehabilita-
17 tion process in the Democratic Republic of the
18 Congo;

19 (6) to support efforts of the Government of the
20 Democratic Republic of the Congo, the United Na-
21 tions Peacekeeping Mission in the Democratic Re-
22 public of the Congo (MONUC), and other entities,
23 as appropriate, to disarm, demobilize, and repatriate
24 the Democratic Forces for the Liberation of Rwanda
25 and other illegally armed groups;

1 (7) to ensure that the Government of the
2 Democratic Republic of the Congo—

3 (A) is committed to responsible and trans-
4 parent management of natural resources across
5 the country; and

6 (B) takes active measures—

7 (i) to promote economic development;

8 (ii) to hold accountable individuals
9 who misuse the country's natural resources
10 for personal gain; and

11 (iii) to implement the Extractive In-
12 dustries Transparency Initiative by enact-
13 ing laws requiring disclosure and inde-
14 pendent auditing of company payments
15 and government receipts for natural re-
16 source extraction;

17 (8) to promote a viable civil society and to en-
18 hance nongovernmental organizations and institu-
19 tions, including religious organizations, the media,
20 political parties, trade unions, and trade and busi-
21 ness associations, that can act as a stabilizing force
22 and effective check on the government;

23 (9) to rebuild and enhance infrastructure, com-
24 munications, and other mechanisms that will in-
25 crease the ability of the central government to man-

1 age internal affairs, encourage economic develop-
2 ment, and facilitate relief efforts of humanitarian or-
3 ganizations;

4 (10) to halt the high prevalence of sexual abuse
5 and violence perpetrated against women and children
6 in the Democratic Republic of the Congo and miti-
7 gate the detrimental effects from acts of this type of
8 violence by undertaking a number of health, edu-
9 cation, and financial support measures, including
10 psycho-social programs, counseling, and HIV/AIDS
11 testing and treatment, and providing financial sup-
12 port;

13 (11) to work aggressively on a bilateral basis to
14 urge governments of countries contributing troops to
15 the United Nations Peacekeeping Mission in the
16 Democratic Republic of the Congo (MONUC) to
17 enact and enforce laws on trafficking in persons and
18 sexual abuse that meet international standards, pro-
19 mote codes of conduct for troops serving as part of
20 United Nations peacekeeping missions, and imme-
21 diately investigate and punish citizens who are re-
22 sponsible for abuses in the Democratic Republic of
23 the Congo;

24 (12) to undertake steps that—

1 (A) protect internally displaced persons
2 and refugees in the Democratic Republic of the
3 Congo and border regions from all forms of vio-
4 lence, including gender-based violence and other
5 human rights abuses;

6 (B) address other basic needs of vulnerable
7 populations with the goal of allowing these con-
8 flict-affected individuals to ultimately return to
9 their homes; and

10 (C) assess the magnitude of the problem in
11 the Democratic Republic of the Congo of or-
12 phans from conflict and HIV/AIDS, and work
13 to establish a program of national support;

14 (13) to engage with governments working to
15 promote peace and security throughout the Demo-
16 cratic Republic of the Congo and hold accountable
17 individuals, entities, and countries working to desta-
18 bilize the country; and

19 (14) to promote appropriate use of the forests
20 of the Democratic Republic of the Congo in a man-
21 ner that benefits the rural population in that coun-
22 try that depends on the forests for their livelihoods
23 and protects national and environmental interests.

1 **SEC. 103. BILATERAL ASSISTANCE TO THE DEMOCRATIC**
2 **REPUBLIC OF THE CONGO.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—In addition to amounts oth-
5 erwise available for such purposes, including
6 amounts from regional funds, there is authorized to
7 be appropriated \$52,000,000 for fiscal year 2006 for
8 bilateral assistance programs in the Democratic Re-
9 public of the Congo under the Foreign Assistance
10 Act of 1961 (22 U.S.C. 2151 et seq.), the Agricul-
11 tural Trade Development and Assistance Act of
12 1954 (68 Stat. 454, chapter 469), and the Arms Ex-
13 port Control Act (22 U.S.C. 2751 et seq.).

14 (2) AVAILABILITY OF FUNDS.—Amounts appro-
15 priated pursuant to paragraph (1) are authorized to
16 remain available until expended.

17 (b) USES OF ASSISTANCE.—Amounts appropriated
18 pursuant to subsection (a) shall be used to accomplish the
19 policy objectives in section 102.

20 (c) FUTURE YEAR FUNDING.—The Department of
21 State should submit budget requests in fiscal years 2007,
22 2008, and 2009 that contain increases in bilateral assist-
23 ance for the Democratic Republic of the Congo that are
24 appropriate and similar to the increase authorized under
25 subsection (a) for fiscal year 2006 if progress is being
26 made, particularly cooperation by the Government of the

1 Democratic Republic of the Congo, toward accomplishing
2 the objectives in section 102.

3 (d) OFFSETS.—Not later than 30 days after the date
4 of the enactment of this Act, the Secretary of State should
5 consult with the Chairmen and Ranking Members of the
6 Committee on Foreign Relations, the Committee on Ap-
7 propriations, and the Committee on the Budget of the
8 Senate and the Committee on International Relations, the
9 Committee on Appropriations, and the Committee on the
10 Budget of the House of Representatives to determine ap-
11 propriate reductions in funding, especially redundant or
12 duplicative programs, to offset the increase in funding au-
13 thorized in subsection (a).

14 (e) USES OF SECURITY ASSISTANCE.—Security as-
15 sistance that is authorized to be appropriated under this
16 section shall be made available consistent with section 551
17 of the Foreign Operations, Export Financing, and Related
18 Programs Appropriations Act, 2006 (Public Law 109–
19 102; 119 Stat. 2218) and other provisions of law related
20 to eligibility.

21 (f) COORDINATION WITH OTHER DONOR NA-
22 TIONS.—The United States should work with other donor
23 nations, on a bilateral and multilateral basis, to increase
24 international contributions to the Democratic Republic of

1 the Congo and accomplish the policy objectives described
2 in section 102.

3 **SEC. 104. ACCOUNTABILITY FOR THE GOVERNMENT OF**
4 **THE DEMOCRATIC REPUBLIC OF THE CONGO.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) the Government of the Democratic Republic
8 of the Congo must be committed to achieving the
9 policy objectives described in this Act if the efforts
10 of the United States and other members of the
11 international community are to be effective in bring-
12 ing relief, security, and democracy to the country;
13 and

14 (2) the international community, through the
15 United Nations peacekeeping mission, humanitarian
16 and development relief, and other forms of assist-
17 ance, is providing a substantial amount of funding
18 that is giving the Government of the Democratic Re-
19 public of the Congo an opportunity to make progress
20 towards accomplishing the policy objectives in sec-
21 tion 102, but this assistance cannot continue in per-
22 petuity.

23 (b) REPORT ON PROGRESS.—

24 (1) REPORT REQUIRED.—Not later than one
25 year after the date of the enactment of this Act, the

1 Comptroller General of the United States shall sub-
2 mit to Congress a report on the progress made to-
3 ward accomplishing the policy objectives described in
4 section 102.

5 (2) CONTENT.—The report required under
6 paragraph (1) shall include—

7 (A) a description of any major impedi-
8 ments that prevent the accomplishment of the
9 policy objectives described in section 102;

10 (B) an evaluation of United States policies
11 and foreign assistance programs designed to ac-
12 complish such policy objectives; and

13 (C) recommendations for—

14 (i) improving these policies and pro-
15 grams; and

16 (ii) any additional bilateral or multi-
17 lateral actions necessary to promote peace
18 and prosperity in the Democratic Republic
19 of the Congo.

20 (c) TERMINATION OF ASSISTANCE.—The Secretary
21 of State may withhold assistance otherwise available under
22 this Act if the Secretary determines and reports to Con-
23 gress that the Government of the Democratic Republic of
24 the Congo is not making sufficient progress towards ac-
25 complishing the policy objectives described in section 102.

1 **SEC. 105. STRATEGY ON PROMOTING HUMANITARIAN RE-**
2 **LIEF, SECURITY, AND DEMOCRACY IN THE**
3 **DEMOCRATIC REPUBLIC OF THE CONGO.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the President shall submit to the Com-
6 mittee on Foreign Relations and the Committee on Appro-
7 priations of the Senate and the Committee on Inter-
8 national Relations and the Committee on Appropriations
9 of the House of Representatives a report setting forth a
10 strategy for achieving the policy objectives described in
11 section 102, including a description of an effective mecha-
12 nism for coordination of United States Government efforts
13 to implement this strategy.

14 **SEC. 106. SPECIAL ENVOY FOR THE GREAT LAKES REGION.**

15 (a) IN GENERAL.—Not later than 60 days after the
16 date of the enactment of this Act, the President should
17 appoint a Special Envoy for the Great Lakes Region to
18 resolve the instability and insecurity in Eastern Congo,
19 which is the result of multiple international and domestic
20 factors, and to enhance the regional harmonization of
21 United States policies and assistance programs.

22 (b) CONSULTATION.—In appointing the Special
23 Envoy, the President should consult with the Majority
24 Leader and Minority Leader of the Senate, the Speaker
25 and Minority Leader of the House of Representatives, and
26 the Chairmen and Ranking Members of the Committee on

1 Foreign Relations of the Senate and the Committee on
 2 International Relations of the House of Representatives.

3 (c) ELIGIBILITY OF DEPARTMENT OF STATE EM-
 4 PLOYEES.—The individual designated to serve as the Spe-
 5 cial Envoy may be an employee of the Department of
 6 State with the rank of Deputy Assistant Secretary or
 7 higher.

8 **TITLE II—MULTILATERAL AC-**
 9 **TIONS TO ADDRESS URGENT**
 10 **NEEDS IN THE DEMOCRATIC**
 11 **REPUBLIC OF THE CONGO**

12 **SEC. 201. PROMOTION OF UNITED STATES POLICY TOWARD**
 13 **THE DEMOCRATIC REPUBLIC OF THE CONGO**
 14 **IN THE UNITED NATIONS SECURITY COUN-**
 15 **CIL.**

16 The United States shall use its voice and vote in the
 17 United Nations Security Council—

18 (1) to address exploitation at the United Na-
 19 tions Peacekeeping Mission in the Democratic Re-
 20 public of the Congo (MONUC) by urging, when
 21 credible allegations exist, appropriate investigation
 22 of alleged perpetrators and, as necessary, prosecu-
 23 tion of United Nations personnel responsible for sex-
 24 ual abuses in the Democratic Republic of the Congo;

1 (2) to ensure that appropriate guidelines, codes
2 of conduct, and programs for the prevention of sex-
3 ual abuse and trafficking in persons are undertaken
4 by the United Nations;

5 (3) to strengthen the authority and capacity of
6 MONUC by—

7 (A) providing specific authority and obliga-
8 tion to prevent and effectively counter imminent
9 threats;

10 (B) clarifying and strengthening
11 MONUC's rules of engagement to enhance the
12 protection of vulnerable civilian populations;

13 (C) enhancing the surveillance and intel-
14 ligence-gathering capabilities available to
15 MONUC;

16 (D) where consistent with United States
17 policy, making available personnel, communica-
18 tions, and military assets that improve the ef-
19 fectiveness of robust peacekeeping, mobility,
20 and command and control capabilities of
21 MONUC; and

22 (E) providing MONUC with the authority
23 and resources needed to support efforts sur-
24 rounding national elections and the referendum
25 on the constitution, and to monitor arms traf-

1 ficking and natural resource exploitation at key
2 border posts and airfields in the eastern part of
3 the Democratic Republic of the Congo;

4 (4) to encourage regular visits of the United
5 Nations Security Council to monitor the situation in
6 the Democratic Republic of the Congo;

7 (5) to ensure that the practice of recruiting and
8 arming children in the Democratic Republic of the
9 Congo is immediately halted pursuant to Security
10 Council Resolutions 1460 (2003) and 1539 (2004);

11 (6) to strengthen the arms embargo imposed
12 pursuant to Security Council Resolution 1493
13 (2003) and ensure that violators are held account-
14 able through appropriate measures, including the
15 possible imposition of sanctions;

16 (7) to allow for the more effective protection
17 and monitoring of natural resources in the Demo-
18 cratic Republic of the Congo, especially in the east-
19 ern part of the country, and for public disclosure
20 and independent auditing of natural resource reve-
21 nues to help ensure transparent and accountable
22 management of these revenues;

23 (8) to press countries in the Congo region to
24 help facilitate an end to the violence in the Demo-

1 cratic Republic of the Congo and promote relief, se-
 2 curity, and democracy throughout the region; and

3 (9) to encourage the United Nations Secretary-
 4 General to become more involved in completing the
 5 policy objectives described in paragraphs (1) and (2)
 6 of section 102 and ensure that recent fighting in
 7 North Kivu, which displaced over 150,000 people, as
 8 well as fighting in Ituri and other areas, does not
 9 create widespread instability throughout the country.

10 **SEC. 202. INCREASING CONTRIBUTIONS AND OTHER HU-**
 11 **MANITARIAN AND DEVELOPMENT ASSIST-**
 12 **ANCE THROUGH INTERNATIONAL ORGANIZA-**
 13 **TIONS.**

14 (a) IN GENERAL.—The President shall instruct the
 15 United States permanent representative or executive direc-
 16 tor, as the case may be, to the United Nations voluntary
 17 agencies, including the World Food Program, the United
 18 Nations Development Program, and the United Nations
 19 High Commissioner for Refugees, international financial
 20 institutions, and other appropriate international organiza-
 21 tions to use the voice and vote of the United States to
 22 support additional humanitarian and development assist-
 23 ance for the Democratic Republic of the Congo in order
 24 to accomplish the objectives described in section 102.

1 (b) SUPPORT CONTINGENT ON PROGRESS.—If the
2 Secretary of State determines that the Government of the
3 Democratic Republic of the Congo is not making sufficient
4 progress towards accomplishing the policy objectives in
5 section 102, the President shall consider withdrawing
6 United States support for the assistance described in sub-
7 section (a) when future funding decisions are considered.

Passed the Senate June 29, 2006.

Attest:

EMILY J. REYNOLDS,

Secretary.